

Chancellor Walter L. Evans
Part I of the Chancery Court of Shelby County

Motions

Motion Day:

Every Friday morning, unless otherwise posted, beginning at 9:00 a.m. No Dispositive motions, i.e. Summary Judgment, To Dismiss or Motions lasting more than twenty minutes, are heard on this motion docket.

How to Set:

Motions are set by entering it on the Court's Motion Docket by close of business on the Friday before the motion is to be heard.

Form of Motion:

Pursuant to T.R.C.P. 7.02 and Local Rule 10, motions are to be in writing. Copies of memoranda that counsel would like the Court to read prior to hearing the motion should be delivered to the Chancellor's judicial clerk at least three days prior to the hearing (See: Local Rule 16).

Dispositive Motions:

If a motion for summary judgment will require more than fifteen to twenty minutes time, I prefer that counsel request a special setting from my courtroom clerk instead of placing the matter on the regular Friday morning motion docket. However, some cases, especially those with clear facts, remain appropriate for the Friday morning docket. If I have a doubt about a Motion for Summary Judgment, I usually deny it so that I am able to have the complete perspective at a later trial date.

Entering Orders

Consent Orders:

I have no objection to the entry of consent orders at any time; however the facts in the order must in fact be consented to. The Court should not be asked to adjudicate any aspect of the matter. For example, in the past counsel have approached the bench with a "consent order" and stated that the only remaining question related to costs. This is not, in fact, a consent order because the Chancellor is still being asked to adjudicate the terms. For a consent order, all attorneys must approve all of the terms of the order.

Orders by Interchange:

I am pleased to enter an order by interchange if the sitting judge in Circuit or Chancery is not available. However, entering an order by interchange is not appropriate where the judge has heard proof on the case unless both attorneys sign the order.

Trial

Jury Call:

When the case is ready for trial, the attorneys should place the necessary information, including the name of the case, the attorney names, and the time involved to dispose of the case, on the ten day rule docket book. I would expect that the attorneys would have completed all necessary discovery and pleadings prior to placing the case on the docket book. Always provide notice to opposing counsel. Sometimes attorneys place the case on the ten day docket to put on a hearing to get a response as to whether everyone is ready for trial.

Continuances:

I am rather lenient on the matter of continuances. I do not believe a case should be tried if the parties are not prepared. I want cases heard on the merits and not on a technicality. While some judges are more strict, having practiced law I know that there are various reasons why counsel request continuances.

Scheduling Orders:

Scheduling orders are appropriate in complex matters involving multiple parties and attorneys and in jury cases.

Approaching the Judge:

If I am approached about a pending case, it is necessary to first inquire about the other parties involved in the matter. If a party is entering an order or simply has a question, I try to be considerate and have no problem with being approached unless the individual or attorney is trying to address me regarding a pending case without opposing counsel present.

Pet Peeves:

Having practiced law, I am sensitive to the many dynamics in the practice of law. I allow attorneys to be zealous, realizing that they are at times even trying to impress their clients. I recognize that some attorneys become emotional in court and raise their voices. Unless this behavior becomes excessive, I allow attorneys to vigorously represent their clients' interests in court. Excessive and overzealous behavior is inappropriate.

Special Words to Pro Se Litigants:

I do not recommend representing oneself in Court; however I recognize that in some situations, such as uncontested divorces and name changes, individuals do insist on representing themselves. I understand that not all individuals are capable of paying for an attorney's services. I always advise a pro se litigant of his or her right to an attorney and if the individual desires to proceed, the Court accepts that statement.

Professionalism/Civility:

Certain attorneys have a way of presenting their cases, which may be quite different. I do not focus on how an attorney conducts himself as long as it is not obscene or repulsive. As a general rule, I prefer to allow attorneys to have leeway in developing their skills.

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